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P A T E N T

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Gust H. Bardy et al. Confirmation No.: 5279  
Serial No.: 09/940,273 Examiner: K. Mullen  
Filing Date: August 27, 2001 Group Art Unit: 3766  
Docket No.: 1201.1104101 Customer No.: 21691  
For: ACTIVE HOUSING AND SUBCUTANEOUS ELECTRODE  
CARDIOVERSION/DEFIBRILLATION SYSTEM (as amended)

Mail Stop Amendment  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE DOUBLE  
PATENTING REJECTION OVER PRIOR PATENTS****CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. §1.8 (1)(B))**

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office  
at 571-273-8300 on the date shown below.

Kathleen L. Boekley

Type or print name of person signing certification

Kathleen L. Boekley

Signature

November 28, 2005

Date

The owner, Cameron Health, Inc., of full interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 6,647,292 and 6,721,597. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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PAGE 19/20 \* RCVD AT 11/28/2005 4:38:12 PM [Eastern Standard Time] \* SVR:USPTO-EFXXRF-6/44 \* DNIS:2738300 \* CSID:6123599349 \* DURATION (mm-ss):05-58

Appl. No. 09/940,273

Term. Discl. dated November 28, 2005

Reply to Office Action of October 17, 2005

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patents, as "the term of the prior patents are presently shortened by any terminal disclaimer," in the event that they later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, have all claims canceled by a reexamination certificate, are reissued, or are in any manner terminated prior to the expiration of their full statutory terms as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

As indicated on the Fax Transmission Cover Letter, Applicants authorize the terminal disclaimer fee of \$130 (\$65 for each patent disclaimed herein under small entity status) to be charged to Deposit Account No. 50-0413.

Respectfully submitted,

CAMERON HEALTH, INC.

By its Attorney,

Date: Nov. 28, 2005

  
J. Scot Wickhem, Reg. No. 41,376  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, Minnesota 55403-2420  
Telephone: (612) 677-9050  
Facsimile: (612) 359-9349